

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

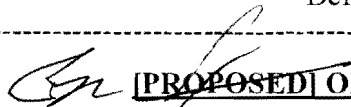
-----X  
THOMAS H. LEE EQUITY FUND V, L.P., :  
THOMAS H. LEE PARALLEL FUND V, L.P., :  
and THOMAS H. LEE EQUITY (CAYMAN) : 05 Civ. 9608 (JSR)  
FUND V, L.P. :

Plaintiffs, :

v. :

PHILLIP R. BENNETT, TONE GRANT, :  
SANTO C. MAGGIO, REFCO GROUP :  
HOLDINGS, INC., and JOHN DOES 1-10, :

Defendants. :  
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 **[PROPOSED] ORDER OF DISMISSAL WITH PREJUDICE**

WHEREAS, pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiffs Thomas H. Lee Equity Fund V, L.P., Thomas H. Lee Parallel Fund V, L.P. and Thomas H. Lee Equity (Cayman) Fund V, L.P. (together, "Plaintiffs"), hereby request that the Court enter an order dismissing with prejudice the above-captioned action, and all claims asserted therein, as to each of Phillip R. Bennett, Tone Grant, Santo Maggio, Refco Group Holdings, Inc. and John Does 1-10;

WHEREAS, counsel for Plaintiffs has spoken with counsel for defendants Phillip R. Bennett, Refco Group Holdings, Inc. and Tone Grant and those parties hereby agree to the dismissal with prejudice of the above-captioned action, and all claims asserted therein, as to them; and

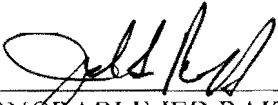
WHEREAS, defendant Santo Maggio is deceased and Plaintiffs wish to dismiss with prejudice the above-captioned action, and all claims asserted therein, as to Santo Maggio;

**IT IS HEREBY ORDERED AS FOLLOWS:**

1. The above-captioned action, and all claims asserted therein, as to each of Phillip R. Bennett, Tone Grant, Santo Maggio, Refco Group Holdings, Inc. and John Does 1-10 is hereby dismissed with prejudice.
2. All parties shall bear their own attorneys' fees, costs and expenses.

Dated: New York, New York  
August 9, 2012

**SO ORDERED:**

  
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HONORABLE JED RAKOFF  
United States District Court Judge